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Ozone NAAQS/Clean Air Act: Earthjustice Files Suit Against U.S. Environmental Protection Agency Alleging Violation of Ozone Designation Deadline

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The environmental organization Earthjustice filed a Federal District Court lawsuit in the United States District Court for the Northern District of California against the United States Environmental Protection Agency ("EPA") on behalf of a number of organizations alleging violation of a deadline associated with the Clean Air Act 2015 Ozone National Ambient Air Quality Standard ("NAAQS").

The lawsuit was filed on behalf of the:

- American Lung Association
- American Public Health Association
- American Thoracic Society
- Appalachian Mountain Club
- Environmental Defense Fund
- Environmental Law and Policy Cent
- National Parks Conservation Association
- Natural Resources Defense Council
- Sierra Club
- West Harlem Environmental Action

The Earthjustice Complaint for Declaratory and Injunctive Relief ("Complaint") alleges that the EPA Administrator violated a nondiscretionary duty to promulgate the designations of all areas of the country as meeting (attainment) or not meeting (nonattainment) the 2015 Ozone NAAQS within two years.

The Complaint notes that the final rule which tightened the Clean Air Act Ozone NAAQS was signed on October 1, 2015. As a result, Earthjustice alleges that the designation should have occurred by October 1, 2017.

The Complaint includes a request that the Court order the Administrator to promulgate area designations for all areas of the country under the 2015 NAAQS for Ozone "forthwith."

[A copy of the Complaint can be downloaded here.](#)